



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Jerry D. Olds  
State Engineer

1594 West North Temple, Suite 220  
PO Box 146300  
Salt Lake City, Utah 84114-6300  
(801) 538-7240 telephone  
(801) 538-7467 fax  
www.nr.utah.gov

April 15, 2003

Cathy Bagley  
Torrey Irrigation Company  
P.O. Box 9  
Torrey, UT 84775

Dear Ms Bagley:

It has been has been reported to our office by the Regional Engineer that the Pead and Cut diversion flume needs to be level in order to get accurate measurements. The following evaluation and recommendation for improvements was made during a field visit by my staff and the River Commissioner, Jan Ellett. The information gathered at your diversion is as follows:

**PEAD AND CUT CANAL FLUME**

A 4-ft parshall flume was inspected and was found to be out of level of approximately 0.5 inches from side to side. The staff gage was properly set at the reference point and the entrance and exit conditions were acceptable. There was some scouring at the right side of the flume but water was not leaking. Water was measured upstream from the flume using a current meter and an electronic flow meter. The flow registered by the flume was 25 cfs while the amount measured was computed to be 28.98 cfs.

**Recommendation:** The flume needs to be reset so that accurate flow readings could be obtained at all flow ranges.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

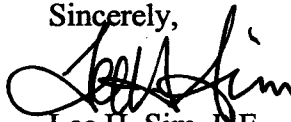
**"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement, or the state engineer may proceed to construct or install or cause to be installed such controlling works or measuring devices, and the cost of the same shall be a lien against the lands and water rights served thereby, and the state engineer is authorized to bring such action in the name of the state to foreclose such lien."**

Therefore, you are hereby notified that each of your diversions must be equipped with a functional and accurate measuring device and lockable headgate or control structure. **These improvements must be completed prior to May 15, 2003.**

Your diversions will be inspected for compliance. If it is not in compliance, it will be tagged by the river commissioner. An order to cease the use of water will be issued and the diversion will be closed and locked. In situations where the diversion cannot be closed, the State Engineer will seek a court order requiring the use of water be ceased until such time as the control structure and measuring device are installed and working properly.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Kirk Forbush, Regional Engineer, at (435) 896-4429 or Gertrudys Adkins at (801) 538-7384.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee H. Sim", is written over the typed name.

Lee H. Sim, P.E.

Assistant State Engineer for Distribution

cc: Kirk Forbush, Regional Engineer  
Phil Pace, Distribution System Chairman  
Jan Ellet, Water Commissioner